

## Article 36

### Replacements of Homes - Undersized Lots

#### Two Categories of Home Replacements:

- Voluntary Demolition & Replacement
- Damage by Natural Disaster & Replacement

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- “Undersized Lots” – nonconforming lots because lot area or frontage does not meet Zoning Bylaw requirements
- Potential Reasons for “Voluntary Demolition” - house in poor condition, outdated, needs bigger home...

## Article 36

### Currently:

- Voluntary Demolition & Replacement  
*No Provision: Only Remedy - BoA Variance*  
*Criterion: Hardship?*
- Damage by Disaster & Replacement  
*Damaged >50% (value) – BoA Special Permit*  
*Criteria:*
  - *applied within 2 years from damage date*
  - *not detrimental to neighborhood*
  - *if possible, rebuilt to comply with zoning*
- No Limit on Size of Replacement

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- Currently - Applies to Any Structure – Applicant can be Owner, Developer, or Builder
- “No Provision” - in the Zoning Bylaw to allow voluntary demolition & replacement on nonconforming lots, so have to request a variance
- “BOA” – Board of Appeals
- “Hardship?” – MUST be due to soil conditions, shape or topography of lot. A difficult, if not impossible, construct.
- “Value” – Fair market value
- BOA shall not grant a special permit unless 3 criteria are met
- “Comply with zoning bylaw” – setbacks & height requirements
- “No Limit on Size of Replacement” – but still would have to comply with zoning dimensional requirements (setbacks, height, density, etc.)
- If damaged 50% or less by any natural disaster (fire, flood, etc.) - can renovate by right
- If damaged 50% or less by any natural disaster (fire, flood, etc.) and wants to Demolish & Rebuild,
  - would have to request a variance from BoA (just as if it were a voluntary demolition & replacement)

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### Proposed – Relief for 1- & 2- Family Homes:

- Voluntary Demolition & Replacement and Damage by Disaster & Replacement
  - By Right if:*
    - *Floor Area Ratio (F.A.R.) does not increase*
    - *Complies with zoning bylaw*
  - Except if damaged >50% (value) by Flood  
*BoA Special Permit*

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- Applies to: Single Family or Two-Family Homes
- “FAR” = net floor area of all buildings on the lot / developable site area of the lot
  - “net floor area” does not include stairs, unfinished basements, service areas, elevators, common hallways...)
  - “developable site area” in Residential Districts is entire lot area
  - “developable site area” in Mixed Use or Non-Residential districts is:  
lot area – (floodplain + wetlands + access/right-of-way easement + another district which use is not allowed)
- If damaged by flood, Bylaw criteria still applies (because you are potentially setting yourself up for another disaster)
- “By Flood” – Generally due to being located in the flood plain district as defined by Zoning Bylaw Section 4.1 and FEMA (Federal Emergency Management Act) (100 year flood)

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Proposal will:

- Allow Homes to be Rebuilt In Kind w/Ease
- Prevent Speculative Home Replacements  
- one driver of mansionization
- Still Allow Home Additions by the Owner  
but Two Years after Rebuild Date

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- Helps People by making it easier for them to rebuild:
  - In a time of crisis – after a natural disaster (unless in a flood zone)
  - When their homes are beyond repair (for various reasons – deaths in the family, financial problems, etc.) and are now more costly to fix than to rebuild.
  - When homes have environmental problems – recurring mold, septic problems, drainage problems, etc.
- Leads to potentially:
  - Safer properties
  - More Aesthetically-pleasing homes
  - Improved market values and overall neighborhood quality
- Eliminates the following concerns –
  - “Mansionization” – The tear down of an existing house and replacing it with one that is bigger, especially one that is much larger than the surrounding houses.
  - Developers/builders coming in, tearing down a home, and building a new one just to resell it again
- Allows Additions but after a waiting period - in Fairness to Homeowners – currently, additions are allowed to homes on nonconforming lots as long as they do not increase any nonconformities and meet other Bylaw requirements